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10/798,531

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EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/798,531

Applicant(s)

UHLIR ET AL.

Examiner

Kang Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1 and 14, the claimed invention is directed toward a non-tangible subject matter because the claim states only non-tangible invention of abstract nature. Although the application has stated the method of operating a computer game that runs on a computer platform in the preamble of claim 14, it does not automatically place the claim in the process statutory category. No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the process disclosed in the claim does not contain a tangible result. Claim 1 is also considered non-statutory for having the same concept as claim 14 without any tangible results. The preamble of the claim stating a computer product, an abstract idea, followed by the abstract components needed to accomplish its result. Therefore, the claimed invention is one of such non-statutory subject matter. Generally, functional descriptive material, such as a computer program, is statutory when it is stored on a tangible computer readable medium. See MPEP § 2106 IV.B.I(a).

Re claims 2-13 and 15-27 are dependent upon claims 1 and 14, respectively, do not disclose any further method or machine that has any tangible results and therefore also considered non-statutory.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure of the application states that the game engine program that presents the computer game scenario to a user, not presenting the computer game to a user.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 6-18 and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Doak et al. (US 6,961,055).

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Re claim 1: Doak discloses a computer product comprising a map database (see col 4, lines 30-45; col 4, lines 59-65) containing data that represent roads in a geographic locale; a user interface (see col 11, lines 36-40; col 30, lines 7-22; Fig 8a; a game engine program (col 3, line 3) that runs on a computer platform (see col 12, line 1; col 15, line 2) and that presents a computer game to a user via the user interface; and an application programming interface program (see col 2, lines 60-61) that runs on the computer platform (see col 12, line 1; col 15, line 2), accepts requests for data from the game engine program, accesses the data from the map database, and provides the data in a suitable format to the game engine program (col 49, lines 27-42).

Doak further discloses:

Re claim 2: A 3D function (see abstract; col 4, lines 30-45) that converts geographic data from the map database to a perspective view for display in the computer game (col 4, lines 59-65).

Re claim 3: A smoothing function (col 5, lines 65-67; col 6, lines 1-10) that determines a curve through data points used in the map database to represent linearly extending features, wherein the curve is used for display of the linearly extending feature in the computer game (col 7, lines 20-27).

Re claim 4: An integration function (see col 7, lines 57-67) that combines road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things (col 8, lines 7-20, lines 33-55; col 21, lines 55-57).

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Re claim 6: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the geographic locale (col 5, lines 65-58; col 6, lines 1-10).

Re claim 7: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in the geographic locale (col 6, lines 10-20).

Re claim 8: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the geographic locale (col 6, lines 15-20; col 21, lines 55-57).

Re claim 9: The application programming interface program provides for spatial queries of data from the map database (col 2, lines 57-65).

Re claim 10: A game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell is accessed by the game engine program (col 1, lines 51-60).

Re claim 11: The computer game is of a type selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a "bot" fighter game, a flight simulator game, a

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"first-person-shooter" game, an auto theft game, and an urban development simulator game (col 1, lines 51-52; col 13, lines 10-14; col 20, lines 32-37).

Re claim 12: The game engine program performs specific tasks and operates on an as-needed basis during game play (col 3, lines 20-35; col 23, lines 40-47).

Re claim 13: The game engine program comprises at least one selected from a group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (col 3, lines 47-67; col 9, lines 37-65; col 11, lines 36-65).

Re claim 14. Doak discloses a method of operating a computer game that runs on a computer, platform comprising (col 12, line 1; col 15, line 2) using an application programming interface program (col 2, lines 57-65) that runs on the computer platform to accept requests for geographic data (col 4, lines 30-45) from a game engine program that presents the computer game to a user (col 49, lines 27-42), using the application programming interface program to access data from a map database (col 4, lines 30-45), and using the application programming interface program to provide the data in a suitable format to the game engine program (col 49, lines 27-42).

Doak further discloses:

Re claim 15: The method of displaying geographic features represented by the data on a display of the computer platform as part of a game play scenario of the computer game (col 6, lines 15-20; col 21, lines 55-57).

Re claim 16: The method of converting the geographic data from the map database to a perspective view for display by the computer platform as part of a game play scenario of the computer game (col 11, lines 19-35).

Re claim 17: The method of determining a curve through data points used in the map database to represent linearly extending features, wherein the curve is used for display of at least one of the linearly extending features by the computer platform as part of a game play scenario of the computer game (col 5, lines 65-67; col 6, lines 1-10; col 7, lines 20-27).

Re claim 18: The method of combining road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things by the computer platform as part of a game play scenario of the computer game (col 8, lines 7-20, lines 33-55; col 21, lines 55-57).

Re claim 20: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the geographic locale by the computer platform as part of a game play scenario of the computer game (col 3, lines 20-35).

Re claim 21: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in



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the geographic locale by the computer platform as part of a game play scenario of the computer game (col 6, lines 10-20).

Re claim 22: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the geographic locale by the computer platform as part of a game play scenario of the computer game (col 6, lines 15-20; col 21, lines 55-57).

Re claim 23. The method of the application programming interface program provides for spatial queries of data from the map database (col 2, lines 57-65).

Re claim 24. The method of using the game engine program to access a game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell (col 1, lines 51-60).

Re claim 25. The method of the type of computer game is selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a "bot" fighter game, a flight simulator game, a "first-person-shooter" game, an auto theft game, and an urban development simulator game (col 1, lines 51-52; col 13, lines 10-14; col 20, lines 32-37).

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Re claim 26. The method of using the game engine program to perform specific tasks and operate on an as- needed basis during a game play scenario of the computer game (col 3, lines 20-35; col 23, lines 40-47).

Re claim 27. The method of the game engine program comprises at least one selected from a group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (col 3, lines 47-67; col 9, lines 37-65; col 11, lines 36-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doak in view of Powers et al. (US 6,362,817). The teachings of Doak have been discussed above.

Re claim 5: However Doak did not further disclose the road-related things include at least one selected from a group consisting of: road colors, road pavement, lane stripes, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps, and crosswalks.

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Re claim 19: Doak also did not disclose of the method of the road-related things include at least one selected from a group consisting of: road colors, road pavement, lane stripes, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps, and crosswalks.

Powers teaches the use of buildings, bridges, arches, roads, and street lamp in table VII of col 25 and 26.

Therefore in view of Powers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the additional road-related things to enhance the enjoyment of the game.

Doak and Powers are analogous art because they are from the same field of endeavor of system and methods of creating a 3D environment.

### ***Response to Arguments***

5. Applicant's arguments, see page 14 and 15, filed 3/12/07, with respect to the rejection(s) of claim(s) 1-13 under U.S.C. 101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S.C. 101.

6. Applicant's arguments, see page 16, filed 3/12/07, with respect to the rejection(s) of claim(s) 6-8, 12 and 20-22 under U.S.C. 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

7. Applicant's argument in regards to Doak fails to disclose any API or program that corresponds to the functions of the recited API as provided by claims 1 and 20. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In regards to the argument that the map compile process cannot accept requests for data from the game run process, since an arrow is not shown from the game run process. It is a matter of design choice of how the map database gets routed to the 3d environment data for game level and then to the game run process.

In response to applicant's argument that Doak does not disclose, teach or suggest "wherein the application programming interface program provides for spatial queries of data from the map database as recited in claims 9 and 23, it is generally understood that database's soul purpose is to run queries, in this instant Doak processes selected features based on the player's location or spatial relationship, all features within a close proximity of the player is shown to the player.

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/  
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May 29, 2007

  
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